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PROVISIONAL SUMMARY RECORD OF THE 45th MEETING

Held at Headquarters, New York,
on Tuesday, 23 July 1996, at 10 a.m.

President: Mr. GERVAIS (Côte d'Ivoire)

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The meeting was called to order at 10.30 a.m.

COORDINATION QUESTIONS (continued) (E/1996/L.34)

(c) JOINT AND CO-SPONSORED UNITED NATIONS PROGRAMME ON HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNODEFICIENCY SYNDROME (continued)

Mr. ACEMAH (Uganda), introducing draft resolution E/1996/L.34 entitled "Report of the Joint and Co-Sponsored United Nations Programme on the Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome", said that Italy, Kenya, South Africa and Thailand had joined the list of sponsors. Since lack of adequate resources had proved a major constraint in the fight against the disease, the sponsors of the draft resolution trusted that the appeal made in operative paragraph 6 would receive the positive response it deserved.

ECONOMIC AND ENVIRONMENTAL QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued) (E/1996/L.35)

(h) INTERNATIONAL DECADE FOR NATURAL DISASTER REDUCTION (continued)

Mrs. CHAVES (Costa Rica), speaking on behalf of the Group of 77 and China, introduced draft resolution E/1996/L.34 entitled "International Decade for Natural Disaster Reduction", which, inter alia, called for the integration of the Yokohama Strategy and Plan of Action in the coordinated approach taken to the follow-up to all recent major United Nations conferences and summits.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued) (E/1996/L.33)

(a) SPECIAL ECONOMIC, HUMANITARIAN AND DISASTER RELIEF ASSISTANCE (continued)

Ms. BROWNE (Ireland) introduced draft resolution E/1996/L.33 entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations", which sought to set out a timetable for the review of the United Nations capacity in that field.

(g) CRIME PREVENTION AND CRIMINAL JUSTICE (E/1996/30)

(h) NARCOTIC DRUGS (A/51/129-E/1996/53, E/1996/27, E/1996/38)

Ms. BRYANT (Chief, United Nations Office at Vienna), introducing the report of the Secretary-General on the implementation of the United Nations

System-wide Action Plan on Drug Abuse Control (A/51/129-E/1996/53), said that although still at the initial phase, the System-wide Action Plan could become a useful planning tool.

Mr. OKUN (International Narcotics Control Board) drew attention to the statement on the programme budget implications of draft resolutions III and IV of the Commission on Narcotic Drugs contained in annex III of the Commission's report (E/1996/27).

The International Narcotics Control Board was suffering from a worrying lack of resource capacity. Its mandates had increased in number while its resources had remained static. Governments had consistently put the fight against drugs at the top of their agenda without providing adequate resources to prosecute anti-drugs campaigns effectively. The Fifth Committee had approved the creation of two new posts for the secretariat of the International Narcotics Control Board, neither of which had materialized as a direct result of the continuing financial crisis. The United Nations International Drug Control Programme and the various United Nations bodies involved in the fight against drugs urgently needed additional resources.

Ms. HOLIKOVA (Czech Republic) expressed her delegation's support for a special General Assembly session on narcotic drugs and psychotropic substances in 1998. The Commission on Narcotic Drugs should play a key role in the preparatory process and should continue to support the work of the International Narcotics Control Board, particularly with regard to monitoring. Furthermore, the Council should consider the Commission's proposals with regard to limiting documentation for agenda items.

Mr. AQUARONE (Netherlands) said that the summary of the report of the International Narcotics Control Board (E/1996/38) failed to accurately reflect the discussions that had been held at the Commission. The Netherlands had rebutted the summary's criticisms of that country's fidelity to its treaty obligations and had invited members of INCB to come to the Netherlands in September to see the situation there for themselves. Those facts cast serious doubt over the relevance of the document to the work of the Council.

Mr. GARCÍA MORITÁN (Argentina) said that organized crime on a global scale was of increasing concern to the international community. The Secretary-General should continue to gather the views of various States on the matter with

a view to assembling background material ahead of the forthcoming sixth session of the Committee on Crime Prevention and Criminal Justice.

Argentina had repeatedly endorsed the elaboration of a binding legal instrument that would make it possible to effectively combat international trafficking in children for the purposes of pornography and prostitution. Again, the Secretary-General should continue to canvass the views of States with a view to drawing up a convention banning trafficking in children. His Government did not believe that the present rules afforded adequate protection to minors, and doubted whether an optional protocol to the Convention on the Rights of the Child regarding the sale of children would provide the minimum necessary guarantees.

Mrs. ALZATE de CIFUENTES (Colombia), while welcoming the improvements that had taken place in the administrative management of the Commission on Crime Prevention and Criminal Justice, said that there was a need to redefine the scope and nature of the Commission's activities since its workload had increased dramatically; without adequate prioritization of tasks it would be unable to cope. The Commission should actively seek to coordinate its efforts with those of other international entities. In order to encourage that process, States should formulate criteria for determining which matters required greater priority or attention. At the same time an effort should be made to improve the machinery for consultation and analysis within the Commission. In that regard, existing procedures and parameters should be respected in relation to the introduction, discussion and adoption of resolutions and documents emanating from the Commission, thereby encouraging constructive debate and promoting greater cooperation in crime prevention.

Mr. ROGATCHEV (Russian Federation) said that in considering the topic of crime, there were certain priority themes, namely, international organized crime, its links with terrorism, money laundering and corruption, all of which affected the interests of the international community and therefore necessitated concerted action by all States.

Organized crime had recently been associated with increased levels of aggression, links with terrorist groups and attempts to obtain materials which posed a potential threat to individual countries, regions and the whole world. In recent years, the Russian Federation had seen an increase in crime

perpetrated by organized groups, one in six of which operated at the international level.

The solution to the problem lay in the urgent elaboration of legislative instruments designed to combat crime. His Government had placed particular emphasis on the law-making aspect of the problem, and as a result of measures adopted over the previous three years approximately 14,000 criminal groups had been eliminated.

States would have little success in combating crime without effective regional and global cooperation. That conclusion had been borne out by the experience of the Commonwealth of Independent States, where efforts had been made at both the multilateral and bilateral level to establish a treaty and legal basis for anti-crime measures. Russian cooperation in anti-crime initiatives launched by the seven major industrialized countries also served as a model for future joint action by States, possibly under the auspices of the United Nations.

His delegation regarded the Commission on Crime Prevention and Criminal Justice as the United Nations principal arm in dealing with the problem of international organized crime, and therefore fully supported its work. The United Nations should play a leading role in setting standards and norms in crime prevention and criminal justice, with the Commission subsequently compiling information on the implementation of those standards and norms.

His Government endorsed the Commission's recommendation to the Council that it should adopt draft resolutions on eliminating violence against women and preventing illicit international trafficking in children. The Russian Federation supported the idea of drawing up an international convention on the latter issue. His delegation also supported the principle of protecting the environment through the application of criminal law, and favoured the formulation of model national legislation in that field. The proposal to establish an international criminal court deserved careful consideration and the views of States on the matter should be given due weight. In addition, his delegation supported the Committee's opinion that measures to regulate firearms should continue to be studied.

Mrs. CASTRO de BARISH (Costa Rica), speaking on behalf of the Group of 77 and China, reiterated its support for the implementation of General Assembly resolution 50/146. The Group welcomed the proposed strengthening of the crime

prevention and criminal justice programme and urged the Secretary-General to allocate adequate resources to it so that it could fulfil its mandate.

The Group also supported the decision, contained in paragraphs 29 and 30 of General Assembly resolution 50/214, to upgrade the Crime Prevention and Criminal Justice Branch to a division and to reclassify the post of Chief of the Branch to the D-2 level, in addition to the establishment of the two additional P-3 posts. Those actions were the minimum necessary to respond to a growing number of requests for assistance. The programme had accomplished a great deal with scarce resources; those resources must be strengthened, especially in the area of technical assistance.

Mrs. BROWN (Jamaica) noted with appreciation the extensive work of the crime prevention and criminal justice programme in the areas of national and transnational organized crime, money laundering, international law and the environment and corruption. Her Government was fully committed to the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and to the Declaration on the Elimination of Violence against Women. It supported the draft resolution on that subject and appreciated the emphasis placed on the prevention of trafficking in children (draft resolutions III and IV contained in the Commission's report).

Turning to the work of the International Narcotics Control Board, she said that her delegation was impressed with the thorough approach it had taken to its work and endorsed the resolutions contained in its report. Her delegation also supported the convening of a special session of the General Assembly on drug abuse.

The PRESIDENT invited the Council to take action on the draft resolutions contained in chapter I, section A, of the report of the Commission on Crime Prevention and Criminal Justice on the work of its fifth session (E/1996/30). He drew attention to annex IV of the report which contained the statements of programme budget implications of draft resolutions IV, V and VI.

Draft resolution I

Draft resolution I was adopted.

Draft resolution II

Mr. HAMDAN (Lebanon) said that while he would not challenge the wording of the draft resolution which was a consensus text, he believed that it could be improved by the addition of the following preambular paragraph:

"Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations". The addition of that paragraph would provide further incentive to States to fulfil their responsibilities under the Declaration.

Mr. MEKDAD (Observer for the Syrian Arab Republic) said that there had been extensive discussion of the draft declaration in the Third and Sixth Committees of the General Assembly, where the improvement proposed by Lebanon had been accepted.

Ms. BUCK (Canada) said that the draft before the Council represented a compromise text, and that it was neither the time nor the place to add anything to that finely-balanced resolution. She urged the Council to adopt it by consensus.

Ms. HAMILTON (Australia) agreed that the proposed amendment would upset the balance of the text.

Mr. COLOMA (Chile) said that the proposed addition would open the door to other changes. He urged the Council to respect the consensus achieved in Vienna.

Mr. AKBAR (Pakistan) said that his delegation joined the Syrian Arab Republic in supporting the addition proposed by Lebanon.

Mr. BYRNE (Ireland), speaking on behalf of the European Union, said that it opposed the reopening of negotiations on the text.

Ms. KATOH (Japan), supported by Mr. GARCIA MORITÁN (Argentina), said that the draft resolution should be adopted as it stood.

Ms. TAMLYN (United States of America) said that, while the suggested amendment sounded innocuous, it could pose a danger to the balance of the resolution. Her delegation trusted that renegotiation of the text was not the intention of any member of the Council.

Mr. AGGREY (Ghana) said that the Council should not prolong the discussion at the current stage, but should take action. Its recommendation would be transmitted to the General Assembly for action at its fifty-first session, and in the interim, the informal discussions could continue.

Mr. ZAMANI-NIA (Observer for the Islamic Republic of Iran) said that he did not agree with the argument that the draft resolution represented a consensus text that could not be altered. It had been brought before the Council precisely so that it could be discussed further. He believed that the

proposed amendment should not be rejected outright; however, he could accept the text as it stood.

Mr. REYES RODRIGUEZ (Observer for Cuba) said that while Cuba had agreed to the consensus text, it supported the proposed amendment which was both relevant and appropriate. The Council was perfectly within its rights to amend the text of draft resolutions referred to it by any of the functional commissions.

Ms. MOHAMED (Malaysia) said that while her delegation agreed, in principle, with the Lebanese amendment, it felt that it would be more appropriate to discuss the matter at the next session of the General Assembly.

Mrs. BROWN (Jamaica) and Mrs. KABA (Côte d'Ivoire) said that the consensus text should be adopted as agreed and that the proposed amendment could be referred for discussion at the General Assembly.

Mr. HAMDAN (Lebanon) stressed that his delegation had sought merely to improve the consensus text, and to ensure that it reflected the views of all concerned. Lebanon would not hamper the work of the Council. However, it reserved the right to raise the issue once more at the upcoming General Assembly session.

Mr. AKBAR (Pakistan), Ms. MOHAMED (Malaysia) and Mrs. CASTRO de BARISH (Costa Rica) associated themselves with the statement just made by Lebanon.

Mr. MEKDAD (Observer for the Syrian Arab Republic) endorsed the statement by the representative of Lebanon and expressed the hope that other delegations would take note of the importance of the issue.

Mr. REYES RODRIGUEZ (Observer for Cuba) said that his delegation hoped that the flexibility that the representative of Lebanon and others had shown would be taken into consideration at the General Assembly discussion.

The PRESIDENT said he took it that the Council wished to adopt the draft resolution.

Draft resolution II was adopted.

The PRESIDENT invited the Council to take action on the draft resolutions and draft decisions contained in chapter I, sections B and C of the report of the Commission on Crime Prevention and Criminal Justice (E/1996/30)

Draft resolutions I to III

Draft resolutions I to III were adopted.

Draft resolution IV

Ms. TAMLYN (United States of America) suggested that the Council should postpone consideration of the draft resolution, in view of its budgetary implications and the fact that the report had been issued late.

Draft resolution V

Ms. KATOH (Japan) said that the draft resolution did not accurately reflect discussions at the Commission. The phrase "taking into account the growing dangers of links between organized transnational crime and terrorist crime" should be deleted from paragraph 4 (b), since the Commission had not adopted it at its discussions. Similarly, the phrase "including a code of conduct or other instrument" should be deleted from paragraphs 8 and 9.

Ms. BUCK (Canada) said that since there had been problems with the wording of paragraph 4 (b), it might be wise to postpone the discussion so that parties could check their notes on the matter.

Ms. KATOH (Japan) asked the Secretariat to provide clarification on the matter.

The PRESIDENT said that consideration of draft resolutions IV and V would be postponed, on the understanding that postponement would not be taken as an opportunity to rework the texts themselves.

Draft resolution VI

Ms. TAMLYN (United States of America) referred the Council to her previous statement and requested a postponement of consideration of the draft resolution.

The PRESIDENT said that the postponement should not be taken to indicate that the draft resolutions would not be discussed before the end of the current session.

Draft resolutions VII to X

Draft resolutions VII to X were adopted.

Ms. KATOH (Japan) drew attention to a typographical error in the fifth preambular paragraph of draft resolution IX. The correct reference should be to resolution 1989/64.

Mr. RÖNQUIST (Sweden) said that, while Sweden had joined in the consensus on draft resolution IX, it believed that the death penalty constituted inhuman punishment and was not justified under any circumstances. It was nevertheless important for those countries which had not yet abolished the death

penalty to effectively apply certain safeguards, including those contained in the Council's resolution. For its part, Sweden would continue its efforts to abolish the death penalty.

Draft decisions I and II

Draft decisions I and II were adopted.

The PRESIDENT invited the Council to consider the draft resolutions and draft decisions contained in chapter 1, sections A and B of the report of the Commission on Narcotic Drugs (E/1996/27).

Draft resolution 1

Mr. KHAMIS (Budget Division, United Nations Office at Vienna) said that he wished to amend the statement which was contained in annex IV to the report. Should the Council decide to adopt draft resolution 1, there would be no programme budget implications for the biennium 1996-1997. If the General Assembly decided at its fifty-first session to convene a special session of the Assembly in 1998, the programme budget implications would be dealt with in the context of the proposed programme budget for the biennium 1998-1999.

Draft resolution 1 was adopted.

Mrs. ESPINOSA (Observer for Mexico) said that the draft resolution just adopted was a reflection of the broad support shown at the Council's recently concluded high-level segment for the holding of a special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities.

Ms. KATOH (Japan) welcomed the Council's decision, adding that it was essential to begin the preparatory work without delay in order to ensure the success of the special session.

Concerted action was needed to combat money laundering and, in that regard, the Commission on Narcotic Drugs should consider at its following session the recommendations on money laundering made by the International Narcotics Control Board.

Japan supported the United Nations System-wide Action Plan on Drug Abuse Control as a vital tool for the coordination and enhancement of drug abuse control activities within the United Nations system. Finally, given the high priority attached to United Nations drug control programmes, adequate resources

should be made available to the United Nations International Drug Control Programme.

Mr. GARCÍA MORITÁN (Argentina) welcomed the Council's decision and expressed the hope that a final decision on the proposed convening of a special session would be taken by the General Assembly at its fifty-first session.

Mrs. ALZATE de CIFUENTES (Colombia) said that Colombia would lend its fullest cooperation to the process of convening a special session of the General Assembly devoted to the problem of narcotic drugs.

Mr. REYES RODRIGUEZ (Observer for Cuba) said that, together with the other sponsors of the draft resolution, Cuba would continue to work towards the goal of making the proposed special session of the General Assembly a reality.

Mrs. LIMJUCO (Philippines) said that the proposed special session would focus attention on the need for a concerted international effort to combat the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities.

Draft resolution II

Draft resolution II was adopted.

Draft resolutions III and IV

Mr. SHAPIRO (United States of America) said that his delegation had not had enough time to consider the programme budget implications of draft resolutions III and IV because it had received the report of the Commission on Narcotic Drugs only a short while before. It therefore requested that consideration of the draft resolutions should be postponed to a later stage in the session.

Consideration of draft resolutions III and IV was postponed.

Draft resolution V

Draft resolution V was adopted.

Draft resolution VI

Mrs. ALZATE de CIFUENTES (Colombia) said that the draft resolution would contribute to the solution of a crisis which affected all societies. Columbia pledged its fullest cooperation to international efforts to eliminate the scourge of drug abuse.

Draft resolution VI was adopted.

Draft decisions I to IV

Draft decisions I to IV were adopted.

The PRESIDENT proposed that the Council should take note of the report of the Secretary-General on the implementation of the United Nations System-wide Action Plan on Drug Abuse Control (A/51/129-E/1996/53).

It was so decided.

The meeting rose at 12.40 p.m.